

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the matter of

Implementation of Section 621(a)(1) of the Cable
Communications Policy Act of 1984 as amended
by the Cable Television Consumer Protection and
Competition Act of 1992

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MB Docket No. 05-311

**COMMENTS OF
CITY OF SAINT PAUL, MINNESOTA
IN RESPONSE TO THE FURTHER NOTICE
OF PROPOSED RULEMAKING**

The City of Saint Paul, Minnesota submits these comments in response to the Further Notice of Proposal Rulemaking, released March 5, 2007, in the above-captioned rulemaking (“Further Notice”).

1. The City of Saint Paul, Minnesota is the local franchising authority for Saint Paul, Minnesota. Comcast is the one franchised cable operator within our jurisdiction. The City of Saint Paul’s Franchise with incumbent cable operator Comcast has been in place since 1998. In January 2004, Comcast made a request to the City that the Franchise, which was scheduled to expire on July 31, 2008, be extended to July 31, 2013, upon the same terms and conditions. This request for an extension indicates Comcast was satisfied with the Franchise and did not find its terms to be unreasonable.

2. We support and adopt the comments of the National Association of Telecommunications Officers and Advisors, the National League of Cities, the National

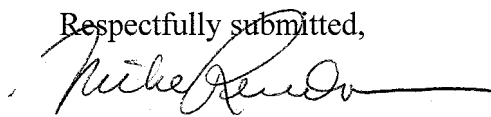
Association of Counties, the U.S. Conference of Mayors, the Alliance for Community Media, and the Alliance for Communications Democracy, filed in response to the Further Notice.

3. We oppose the Further Notice's tentative conclusion (at ¶ 140) that the findings made in the FCC's March 5, 2007, Order in this proceeding should apply to incumbent cable operators, whether at the time of renewal of those operators' current franchises, or thereafter. This proceeding is based on Section 621(a)(1) of the Communications Act, 47 U.S.C. § 541(a)(1), and the rulings adopted in the Order are specifically, and entirely, directed at "facilitat[ing] and expedit[ing] entry of new cable competitors into the market for the delivery of video programming, and accelerat[ing] broadband deployment" (Order at ¶ 1).

4. We disagree with the rulings in the Order, both on the grounds that the FCC lacks the legal authority to adopt them and on the grounds that those rulings are unnecessary to promote competition, violate the Cable Act's goal of ensuring that a cable system is "responsive to the needs and interests of the local community," 47 U.S.C. § 521(2), and are in conflict with several other provisions of the Cable Act. But even assuming, for the sake of argument, that the rulings in the Order are valid, they cannot, and should not, be applied to incumbent cable operators. By its terms, the "unreasonable refusal" provisions of Section 621(a)(1) apply to "additional competitive franchise[s]," not to incumbent cable operators. Those operators are by definition already in the market, and their future franchise terms and conditions are governed by the franchise renewal provisions of Section 626 (47 U.S.C. § 546), and not Section 621(a)(1).

5. We strongly endorse the Further Notice's tentative conclusion (at para. 142) that Section 632(d)(2) (47 U.S.C. § 552(d)(2)) bars the FCC from "preempt[ing] state or local customer service laws that exceed the Commission's standards," and from "preventing LFAs and cable operators from agreeing to more stringent [customer service] standards" than the FCC's.

Respectfully submitted,



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